

## **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

### **Proposed Standby Orders to Expand Available Healthcare Staffing During A Healthcare Surge**

#### **1. Standby Order for Expanding Scope of Practice during Healthcare Surge**

This standby order addresses the need to increase the number of licensed healthcare professionals able to provide services needed during a healthcare surge. Under the proposed order, the Governor in collaboration with the State Health Officer will decide which licensed healthcare professionals should have expanded scope of practice to mitigate the impact of the emergency. This will enable local health officers responsible for Alternate Care Sites or chief medical officers of healthcare facilities to use their professional judgment to decide who is qualified to perform services outside their licensed scope of practice. By creating a flow of authority from the Governor to the local health officer/ chief medical officer to the licensed healthcare professional, this order will link licensed healthcare professionals to the protections provided in the Emergency Services Act.

The standby order addresses the following objectives:

- Liability protection for licensed healthcare professionals: Government Code Section 8659 provides liability protection to physicians, surgeons, hospitals, pharmacists, nurses, and dentists. This standby order would provide the same liability protections to a broader class of licensed healthcare professionals.
- Licensure protection for healthcare professionals: to protect, to the extent prudent and reasonable under the circumstances, a healthcare professional's license if that individual renders emergency aid necessary to save lives without willful misconduct.
- Patient protection: to protect patients by ensuring that healthcare professionals have training, experience or abilities in delivering services that are outside their licensed scope of practice.
- The need to balance local decision making with State authority.

#### **Text of the Standby Order for Expanded Scope of Practice:**

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the State Public Health Officer outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the medical and health needs of the people within the proclaimed area, those rules that regulate the practice of licensed healthcare providers, including but not limited to \_\_\_\_\_\*, \_\_\_\_\_\*, shall be waived or amended as directed by the State Public Health Officer in order to increase the availability of acute medical care. Pursuant to the State Public Health Officer's actions, the local health officer, or chief medical officer at a hospital, shall direct healthcare providers under their authority to mitigate the medical needs caused by the emergency.

**\*Instructions**

The State Health Officer would fill in the blanks, based on the needs of the emergency, from a comprehensive list of licensed healthcare professionals:

- ☐ Acupuncturists
- ☐ Associate Clinical Social Worker
- ☐ Audiologists
- ☐ Clinical Nurse Specialists
- ☐ Licensed Clinical Social Worker
- ☐ Licensed Educational Psychologist
- ☐ Marriage and Family Therapist
- ☐ Marriage and Family Therapist Intern
- ☐ Occupational Therapists
- ☐ Optometrists
- ☐ Osteopaths
- ☐ Nurse Practitioners
- ☐ Pharmacists
- ☐ Pharmacist Interns and Pharmacy Technicians
- ☐ Physical Therapists
- ☐ Physician Assistants
- ☐ Physicians
- ☐ Podiatrists
- ☐ Psychiatric Technician
- ☐ Psychologists
- ☐ Registered Dental Assistant
- ☐ Registered Dental Assistant in Extended Functions
- ☐ Registered Dental Hygienist
- ☐ Registered Dental Hygienist in Alternative Practice
- ☐ Registered Dental Hygienist in Extended Functions
- ☐ Registered Dispensing Opticians
- ☐ Registered Nurse Anesthetists
- ☐ Registered Nurses
- ☐ Registered Veterinary Technicians
- ☐ Respiratory Care Practitioners
- ☐ Speech-Language Pathologists
- ☐ Veterinarians
- ☐ Vocational Nurses

## **2. Standby Order for Expanding Disaster Service Worker Protections to Contractors**

In addition to the Expanded Scope of Practice standby order above, this standby order deems contractors working in a healthcare facility as Disaster Service Workers, providing liability protections for persons providing services as requested by a local governmental jurisdiction. This standby order would apply in situations where contractors assist in providing healthcare services in response to a surge at the request of local government in order to mitigate the impact of the emergency.

### **Text of the Standby Order for Clarification of Governmental Agents Providing Services within a Hospital as Disaster Service Workers**

In the event a local governmental jurisdiction is required to assist a hospital in providing or arranging to provide treatment of disaster related victims when existing facilities are overloaded and cannot accommodate the patient load, all persons providing services at the hospital pursuant to an actual or implied request of the local governmental jurisdiction shall be agents of the local governmental jurisdiction, and as such, deemed Disaster Service Workers under the Emergency Services Act.